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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,593	03/19/2004	Jack B. Andersen	D2A1190-1	9249
42671 7590 01/28/2008 LAW OFFICES OF MARK L. BERRIER 3811 BEE CAVES ROAD SUITE 204 AUSTIN, TX 78746			EXAMINER BRINEY III, WALTER F	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/805,593	Applicant(s) ANDERSEN ET AL.	
	Examiner Walter F. Briney III	Art Unit 2615	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: applicant has not sufficiently distinguished the cited Moon reference from the invention defined in claim 1. Applicant assigned two errors to the examiner's rejection: (1) examiner did not show that the PC-104+ cards are digital audio controller chips and (2) the slaves of Moon do not begin synchronized operation in response to detecting the synchronization signal. Sustaining applicant's first error requires that the claimed digital audio controller chips are structurally different from the PC-104+ cards. Although applicant suggests that the audio controller chips could be PWM chips in one embodiment, applicant clearly disclaims limiting the digital audio controller chips to PWM. Specification at 22 (19 March 2004). Ultimately, whatever prior art is made to correspond to the claimed digital audio controller chips must be able to perform the function of a digital audio controller chip. Since applicant has not limited himself to one specific audio function, such as PWM amplification, the question of what a digital audio controller chip does is unanswered by the applicant. In the broadest reasonable sense, a digital audio controller chip is simply a chip that allows general control of a general audio process. Transferring data is certainly part of an audio process, so the transferring of data between the master and slave devices of Moon corresponds to an audio process and, accordingly, the master and slave devices correspond to the claimed digital audio controller chips.

Applicant's second error actually is based on a misinterpretation of Moon. The slave devices do not determine the number of fixed-duration time slots, but begin using a multiplexed bus to transfer data when the slaves receive the synchronization signal. Moon at col. 2 ll. 60-62 ("each PCI slave device (that wishes to bus master [i.e. transfer data]) is assigned one of the time slots using the time slot assignment mechanism"). The time slots are defined by the SYNC signal and the time slots are detected by the slave units. Claim 1. After detecting the time slots, the slave units assert an assigned bit and then begin transmitting data. Id. Since the slave units begin transmitting data after detecting time slots and time slots are defined by the SYNC signal, the slave units begin transmitting data as a result of detecting the SYNC signal.

As applicant has failed to distinguish claim 1 from the cited prior art and no other independent claims are pending, applicant has not placed this application in condition for allowance.



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